



CITY COUNCIL AGENDA

AUGUST 14, 2001

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Meeting Cancelled.

1:30 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation (District 7)**
Artist Ngoc Dzung, well-known 16-string zither master and a former instructor at the Conservatory of Music in Saigon, Vietnam, and founder of the *Echo of the Motherland* ensemble in 1985, participated in a three-member ensemble comprised of Ngoc Dzung Nguyen, artist, Ngoc Han “Louise” Tran, daughter of the artist, and Phi Dzung, local student, as they performed “Flowering Plant”.
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of plaques to Mildred Bloom for 4 years service on the Historic Landmarks Commission; to Mark Lazzarini for 4 years service on the Historic Landmarks Commission; to Winston Chew for 4 years service on the Library Commission; to Lillian Jones for 7 years service on the Library Commission; to Kathryn Joesten for 5 years service on the Parks and Recreation Commission; to Ann Marquino for 4 years service on the Parks and Recreation Commission; to Francisco Valenzuela for 1 year 7 months service on the Parks and Recreation Commission; to Don Blankenship for 4 years service on the Senior Citizens Commission; to Donice Wagner for 4 years service on the Senior Citizens Commission; to Henry Hekker for 3 years seven months service on the Traffic Appeals Commission; to Pedro Perales for 3 years 7 months service on the Traffic Appeals Commission; and to Sheri Stonier-Montoya for 4 years service on the Traffic Appeals Commission. (Mayor)

This item continued on the next page.

1 CEREMONIAL ITEMS

1.1 Presentation of plaques. - (Cont'd)

Mayor Gonzales acknowledged the contributions of each Commissioner and presented plaques to Mildred Bloom, Mark Lazzarini, Winston Chew, Ann Marquino, Francisco Valenzuela, Don Blankenship, Donice Wagner, and Sheri Stonier-Montoya, and expressed the City Council's appreciation for the volunteers' contributions to the citizens of San José. The plaques for Commissioners Lillian Jones, Kathryn Joesten, Henry Hekker, and Pedro Perales will be mailed, as the honorees were unable to attend the meeting.

1.2 Swearing in of Youth Commissioners for Council Districts 4, 10, and Citywide. (Mayor) **This Item Heard in the Evening.**

Mayor Gonzales and Council Members Dando and Reed presented biographical sketches of the students' accomplishments and scholastic achievements; City Clerk Patricia L. O'Hearn administered the Oath of Office to Youth Commissioners Melvin Cabebe – Citywide, Albert Leung – District 4, and Timothy Tom – District 10; and Mayor Gonzales congratulated the Youth Commissioners and thanked them for their leadership role in serving the City of San José.

1.3 Presentation of an award by the American Heart Association to the Mayor and City Council. (Mayor)

This Item Heard in the Evening.

Joining Mayor Gonzales at the Podium were Debbie Bateman-Executive Director of the American Heart Association, Dr. Hermite Sachdev-Director of the Good Samaritan Hospital Stroke Center, William Clechea-CEO, Good Samaritan Hospital, Julie Clayton-Chief Nursing Officer, Good Samaritan Hospital, and stroke survivor Chuck Hoffman. Debbie Bateman presented the award honoring the leadership of the Mayor and City Council in committing 25% of the Master Settlement Agreement funds to tobacco education programs, and the City's continued commitment in the fight against heart disease and stroke.

1.4 Presentation from Congressman Mike Honda. (Mayor) (Rules Committee referral 8/8/01)

Congressman Mike Honda summarized congressional activities affecting local jurisdictions in the areas of transportation and mass transit, budgets and appropriations, and science and technology. In addition to the items discussed, he urged the City Council to support efforts for full funding of special education programs.

2 CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of May 8, 2001
(City Clerk)

Approved.

2.2 Final adoption of ordinances.

None.

2.3 Approval to add positions in the Department of Parks, Recreation and Neighborhood Services' Community Based Aftercare Program.

Recommendation: Approval to add positions, that expire on June 30, 2002, in the Department of Parks, Recreation and Neighborhood Services' Community Based Aftercare Program. (City Manager's Office)

Approved.

2.4 Approval to rebudget funding from FY 2000-2001 to acquire books for the Library Department.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund to rebudget funding from FY 2000-2001 for the acquisition of books project in the Library Department, in the amount of \$621,000. (City Manager's Office)

Ordinance No. 26451 adopted.

Resolution No. 70567 adopted.

2.5 Approval of an agreement for monitoring services at the closed Story Road landfill.

Recommendation: Approval of an agreement with Harding ESE, Inc. to operate, maintain, monitor, and provide regulatory reporting services for the groundwater treatment system at the closed Story Road landfill, for a term retroactive from April 1, 2001 through March 31, 2002, in an amount not to exceed \$120,000.

(Environmental Services)

Approved.

2.6 Approval of a cost sharing agreement to implement water conservation programs.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a cost sharing agreement with the Santa Clara Valley Water District for the implementation of water conservation programs, for the period July 1, 2001 to June 30, 2002. (Environmental Services)

Resolution No. 70568 adopted.

2 CONSENT CALENDAR

2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #3, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.8 Approval of various actions for the restoration of the Christopher Columbus statue.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of General Services to execute an agreement with the Oakland Museum of California Conservation Lab for repair of the statue in an amount not to exceed \$44,000; and

Resolution No. 70569 adopted.

- (b) Adoption of a resolution authorizing the Director of General Services to negotiate and execute associated contracts with other specialty vendors for the transportation, installation, and stabilization as necessary, not to exceed an additional \$21,000, for a total project cost of \$65,000.

Resolution No. 70570 adopted.

- (c) Adoption of appropriation ordinance and funding sources resolution amendments in the General Fund in the amount of \$65,000.

(General Services/City Manager's Office)

Ordinance No. 26452 adopted.

Resolution No. 70571 adopted.

2.9 Acceptance of a donation for the Library Summer Reading Club.

Recommendation: Adoption of a resolution accepting a donation in the amount of \$25,000 from Friends of the San José Public Library for the Library Summer Reading Club. (Library)

Resolution No. 70572 adopted.

2.10 Approval of the proposed use of settlement funds for several high priority historic preservation projects.

Recommendation: Approval of the proposed use of settlement funds in the amount of \$190,000, for the historic preservation program, for several high priority preservation projects in the City.

(Planning, Building and Code Enforcement/Historic Landmarks Commission)

Dropped.

2 CONSENT CALENDAR

2.11 Approval to set a public hearing for the reorganization and annexation of land designated as McKee No. 119.

Recommendation: Adoption of a resolution initiating proceedings and setting September 11, 2001 at 1:30 p.m. for a public hearing on the reorganization of territory designated as McKee No. 119, which involves the annexation to the City of San José of 3.8 acres of land, located on the east side of North White Road, approximately 450 feet northerly of McKee Road, and the detachment of the same from the Central Fire Protection District, County Library Service Area No. 1, and County Lighting Services. CEQA: Exempt. Council District 5. (Planning, Building and Code Enforcement)

Resolution No. 70573 adopted.

2.12 Approval to initiate proceedings to consider various properties as historic landmarks.

Recommendation: Adoption of a resolution initiating proceedings to consider the following properties as landmarks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature, referring these proposed nominations back to the Historic Landmarks Commission for its recommendation, and setting a public hearing on October 2, 2001 at 1:30 p.m. for City Council consideration:

- (a) Center for the Performing Arts, 241-271 Park Avenue
- (b) Commercial Building, 22 N. First Street
- (c) Knights of Columbus Building, 34-40 N. First Street
- (d) Farmer's Union Building, 151 W. Santa Clara Street
- (e) Realty Building, 19 N. Second Street
- (f) Masson Building, 161 W. Santa Clara Street
- (g) Porter Stock Building, 85-91 S. First Street
- (h) Sainte Claire Building, 301 S. First Street
- (i) Rucker House, 418 S. Third Street
- (j) Twohy Building, 200-210 S. First Street
- (k) Anglo-California National Bank, 101 W. Santa Clara Street
- (l) Pratt/Brackett House, 469 S. Third Street
- (m) Stern/Fischer House, 132 Pierce Street
- (n) W. Prussia Building, 371 S. First Street
- (o) Wright/Bailey House, 312-314 S. Third Street
- (p) Pritchard/Renzel House, 524 S. Almaden Avenue
- (q) Sunol Building, 127-145 Post Street
- (r) Costa & Miller Building, 520 S. First Street

Council District 3. (Planning, Building and Code Enforcement)

Resolution No. 70574 adopted.

Staff was directed to provide Council with a copy of noticing information sent to property owners and tenants of the proposed historic landmarks.

2 CONSENT CALENDAR

2.13 Approval to declare a portion of City-owned land as surplus property and authorize its sale.

Recommendation: Adoption of a resolution declaring an 871 square foot portion of City-owned land, located on the south side of 8th Street between Keyes Street and Bestor Street, surplus to the needs of the City, and authorizing its sale to Jorge and Micaela Segura for \$9,800. Council District 3. SNI: Spartan/Keyes. (Public Works)

Resolution No. 70575 adopted.

2.14 Approval of an agreement to purchase real property located at 3241 Williams Road.

Recommendation: Approval of an agreement with Scott and Donna Gillette, for the purchase of a 5,198 square foot strip of real property located at 3241 Williams Road in the amount of \$88,700, and authorization for the Director of Public Works to execute the necessary documents to complete the transaction. CEQA: Exempt. Council District 1. SNI: Winchester. (Public Works)

Approved.

2.15 Approval of award of contract for the Central Service Yard Emergency Generator Project.

Recommendation: Report on bids and award of contract for the Central Service Yard Emergency Generator Project to the low bidder, Steiny and Co., Inc., in the amount of \$270,620, and approval of a contingency in the amount of \$30,000. CEQA: ND. (Public Works)

(Deferred from 6/5/01 – Item 2.14 et al., and 8/7/01 – Item 2.3)

Deferred to 08/21/01.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

**3.1 Report of the Study Session
Mayor Gonzales, Chair
No Report.**

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – August 8, 2001

Vice Mayor Shirakawa, Jr., Chair

- (h) (3) League of California Cities – Appoint voting delegate and alternate for the 2001 Annual Business Meeting

The Committee recommended Council Member Dando as the voting delegate and Council Member Campos as the alternate at the Annual Business Meeting of the 2001 League of California Cities to be held September 15, 2001 in Sacramento, CA.

The Rules Committee Report (partial) and actions of August 28, 2001 accepted.

3.3 Report of the Finance and Infrastructure Committee

Council Member Dando, Chair

No Report.

3.4 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of an appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Fourth and San Fernando Public Art Project, the Prusch Park Construction Project, and the Story/Lido Sidewalk Replacement Project, with a net impact to the fund of \$315,407, and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

Ordinance No. 26453 adopted.

Resolution No. 70576 adopted.

Resolution No. 70577 adopted.

3.5 Public Hearing on proposed Redistricting.

Recommendation: First Public Hearing on proposed Redistricting. (City Clerk)

This Item Heard in the Evening.

The First Public Hearing was opened, and public testimony accepted, and Council action scheduled for 08/21/01.

3.6 Approval of audio broadcasting of Council Committees over the Web.

Recommendation: Approval of audio broadcasting of Council Committees over the Web. (Information Technology)

[Finance and Infrastructure Committee referral 6/27/01 – Item 3.3(e)]

(Deferred from 8/7/01 – Item 3.8)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Economic Development & Environment Committee
Council Member Williams, Chair
No Report.**

- 4.2 Public Hearing and approval of various actions for a senior housing development located on Roberts Avenue.**

Recommendation: Public hearing and adoption of a resolution:

- (a) Approving a Disposition and Development Agreement (DDA) between the City of San José and Roberts Avenue, Inc., or its designated affiliate, for the acquisition and development of a 100-unit senior housing project on 2.13 acres of City-owned property, located on Roberts Avenue between Vintage Way and Mistflower Drive; and
- (b) Approving business terms for an acquisition loan in an amount not to exceed \$2,277,222, a construction/permanent loan of up to \$6,100,000 (which includes the acquisition loan of \$2,277,222 and predevelopment loan of \$625,000), and a conditional grant of up to \$1,500,000 for the acquisition and development of the project; and
- (c) Authorizing the Director of Housing to negotiate and execute all necessary documents evidencing the subject DDA with Roberts Avenue, Inc., or its designee, including loans, deeds, and other related agreements on behalf of the City related to the housing development.

CEQA: ND. Council District 7. SNI: Spartan/Keyes. (Housing)

Resolution No. 70578 adopted.

- 4.3 Approval of a sign remediation agreement to alter the heights of and to remove certain billboards.**

Recommendation: Approval of a sign remediation agreement with Eller Media Company to:

- (a) Alter the height of billboards on the property located at the north side of State Highway 237, approximately 150 feet westerly of Gold Street, to allow two (2) existing billboard panels to be increased in height from approximately 34 feet to a maximum of 50 feet in height on 0.7 gross acre. CEQA: Negative Declaration. BB 01-06-001 – District 5
- (b) Alter the height of a billboard on the property located at the north side of Las Plumas Avenue, approximately 100 feet northeasterly of US Highway 101, to allow an existing billboard panel to be increased in height from approximately 28 feet to a maximum of 50 feet in height on 2.87 gross acres. CEQA: Negative Declaration. BB 01-06-002 – District 4
- (c) Remove five billboards.

(Planning, Building, and Code Enforcement)

(Deferred from 8/7/01 – Item 4.3)

Deferred to 08/21/01.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval to award a contract for the Hensley Historic District, W. San Carlos, and E. Santa Clara Pedestrian Street lighting Improvement Project.

Recommendation: Report on bids, decision to proceed without further compliance with the City's competitive bidding requirements, and award of contract for the Hensley Historic District, West San Carlos, and East Santa Clara Street Pedestrian Streetlighting Improvement Re-Bid Project to G.A.B. Construction, Inc. to include the base bid and Add Alternate Nos. 1, 2, and 3, in the amount of \$1,366,800, and approval of a contingency in the amount of \$136,000. CEQA: Exempt. Council Districts 3 and 6. SNI: 13th Street. (Public Works)
(Deferred from 8/7/01 – item 4.6)

Approved.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Approval of a grant agreement for the completion of miscellaneous public improvements at the Children's Discovery Museum.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute a grant agreement with the Children's Discovery Museum of San José in a total amount not to exceed \$336,800 for the purpose of completing miscellaneous public improvements. (Conventions, Arts and Entertainment)

Resolution No. 70579 adopted.

- (b) Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Children's Discovery Museum enhancements project with a net impact to the fund of \$352,000, and adoption of a resolution making certain determinations regarding the expenditure of Agency funds on certain public improvements. (City Manager's Office)

Ordinance No. 26454 adopted.

Resolution No. 70580 adopted.

Resolution No. 70581 adopted.

Council directed the Administration to submit a report on the source and distributions of funds.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of an agreement to design and construct a fitness center facility on PAL Stadium property.

Recommendation: Approval of an agreement with the San José Police Activities League (PAL) to design and construct a fitness center facility on the PAL Stadium property, owned by the City, expiring 36 months after the date of the full agreement execution, in an amount not to exceed \$639,000. CEQA: Exempt. SNI: Mayfair II. (Parks, Recreation and Neighborhood Services)

Approved.

6 TRANSPORTATION SERVICES

6.1 Approval of a cooperation agreement with the City of Cupertino for Resurfacing De Anza Boulevard, between Rainbow Drive and Prospect Road.

Recommendation: Approval of a cooperation agreement with the City of Cupertino for Resurfacing De Anza Boulevard between Rainbow Drive and Prospect Road, in an amount not to exceed \$175,000. (Transportation)

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

8.1 Approval of Taxicab Concession Agreements for Terminals A and C at the San José International Airport.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute Taxicab Concession Agreements with:

- (a) United Taxicab Corporation (United Cab) for Terminal A on-demand taxicab services at the San José International Airport, with estimated annual revenues to the City of \$471,755, for a term of two years, with five 1-year options to extend the term for a total of up to seven years at the City's sole discretion; and

This item continued on the next page.

8 AVIATION SERVICES

8.1 Approval of Taxicab Concession Agreements for Terminals A and C at the San José International Airport – (Cont'd.)

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute Taxicab Concession Agreements with:

- (b) Friendly Cab Co. Inc. dba Alpha Cab for Terminal C on-demand taxicab services at the San José International Airport, with estimated annual revenues to the City of \$292,662, for a term of two years, with five 1-year options to extend the term for a total of up to seven years at the City's sole discretion.

(Airport)

Deferred to 08/21/01.

Council accepted public testimony; deferred Council action to 08/21/01; and directed Staff to compile from Council discussion and public questions and concerns responses for Council consideration, including the following: prepare a matrix similar to that submitted on the Airport Concession Proposal Comparisons; delineate legal ramifications allowing/prohibiting current contract extension to January 2002; identify quality and quantity of vehicle fleet; submit Airport Staff Evaluation Process Documents, additional information on the Taxicab Services RFP Evaluation Summary Sheet, Taxicab RFP Panel Rankings, and information compiled by Review Panel and Staff as result of input from Police Department regarding incidents, specific complaints on taxicab drivers; include information on potential for installing taxi-cab stands throughout the City; and information supporting renewal of the "Care Taxi" Program in the City.

8.2 Approval to award a contract for the Improvement of the San José International Airport Pavement Repair 2001 Project.

Recommendation: Report on bids and award of contract for the Improvement of the San José International Airport Pavement Repair 2001 Project to the low bidder, O'Grady Paving Inc., in the amount of \$786,617.60, and approval of a contingency in the amount of \$79,000. CEQA: Resolution No. 67380. (Public Works)

Approved.

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

Closed Session Report

Notice of City Engineer's Pending Decision on Final Maps

None Filed

Open Forum

Yolanda Reynolds spoke on the use of 20% housing funds for very low-income households.

Following Open Forum, Council recessed at 5:10 p.m. and reconvened at 7:05 p.m., Council Chambers, City Hall.

11 PUBLIC HEARINGS

11.1 Public Hearing on an ordinance amending development regulations in Title 20 of the San José Municipal Code.

Recommendation: PUBLIC HEARING ON AN ORDINANCE amending several sections of Title 20 of the San José Municipal Code to do all of the following: Alter the development regulations in Commercial and Residential Zoning Districts to include provisions requiring certain vehicle related uses to occur within fully enclosed buildings; require a Conditional Use Permit for uses without a permanent, fully enclosed building on-site in all Industrial Districts; allow for outdoor vending in the LI and HI Industrial Districts with an Administrative Permit; include “leasing of passenger vehicles” as a conditional use in the LI Industrial Zoning District; change “Construction/Corporation Yard” in the LI Industrial Zoning District from a permitted use to a conditional use; include a requirement that pay phones on private property be located on the same wall as the primary entrance to the use of the site; include an additional finding of three hundred and fifty (350) square feet maximum when considering an exception to the required parking for a one-family dwelling; include a standard condition for window glazing for ground floor retail commercial uses; include amortization provisions for legal nonconforming incidental dancing and music in public eating, and drinking establishments; reestablish provisions prohibiting residential uses that provide services to residents from providing such services to non-residents; correct typographical errors; and make other technical corrections. CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (4-1-2). (Planning, Building, and Code Enforcement)

Citywide

Ordinance No. 26455 passed for publication.

Council directed Staff to return to Council at the 2nd reading of the ordinance with a supplemental memorandum addressing noise issues.

11.2 Public Hearing on an ordinance amending regulations in Title 20 of the San Jose Municipal Code regarding electrical power generation facilities, and an urgency ordinance extending the term of Ordinance No. 26388.

Recommendation:

- (a) PUBLIC HEARING ON AN ORDINANCE amending Title 20 of the San José Municipal Code amending various Sections to include land use regulations and permit requirements related to electrical power generation facilities. (Planning, Building, and Code Enforcement) CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

Citywide

Ordinance No. 26456 passed for publication.

This item continued on the next page.

11 PUBLIC HEARINGS

11.2 Public Hearing on an ordinance amending regulations in Title 20 of the San Jose Municipal Code regarding electrical power generation facilities, and an urgency ordinance extending the term of Ordinance No. 26388 – (Cont'd.)

Recommendation:

- (b) Adoption of an urgency ordinance extending the term of Ordinance No. 26388 related to electrical power generation facilities through September 28, 2001.
(City Attorney's Office)

This Item (11.2(b)) Dropped.

11.3 Public Hearing on a planned development rezoning on North First Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the east side of North First Street, 250 feet southerly of Burton Avenue, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow a reduction in parking requirements for existing restaurant uses on 0.36 gross acres. (Cortese, Owner; Tafreshi, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 01-02-013 - District 3

(Continued from 4/3/01 – Item 11.7 et al., and 6/19/01 – Item 11.5)

Continued to 09/04/01.

11.4 Public Hearing on planned development rezoning at Blackford and Saratoga Avenues.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Blackford Avenue and Saratoga Avenue, from RM Residence Zoning District to A(PD) Planned Development Zoning District, to allow an addition of up to 84 multi-family attached residential units to an existing apartment complex on 1.1 gross acres. (R&B Realty Group and Moreland School District, Owners; R&B Realty Group, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-09-089 - District 1

(Continued from 5/15/01 – Item 11.5 and 6/19/01 – Item 11.6)

Ordinance No. 26457 passed for publication.

Council approved PD rezoning subject to condition recommended by Planning Commission.

11 PUBLIC HEARINGS

11.5 Public Hearing on planned development rezoning at Almaden Expressway and McAbee Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Expressway and McAbee Road, from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a drive-through lane and pick-up window to an existing fast food restaurant on 5.31 gross acres. (Moitozo, Owner; Henley/McDonald's, Developer). CEQA: Negative Declaration.
PDC 00-06-049- District 10

Dropped.

11.6 Public Hearing on planned development rezoning of property bounded by North San Pedro, Devine, Terraine, and Bassett Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located in the area generally bounded by North San Pedro, Devine, Terraine, and Bassett Streets, from LI Light Industrial and CG Commercial Zoning Districts to A(PD) Planned Development Zoning District, to allow up to 1,100,000 square feet of office space, and 12,000 square feet of ground level commercial space, in three office buildings and two parking garages on 6.5 gross acres. The Executive Director of the Redevelopment Agency, pursuant to Section 20.120.030 of the San José Municipal Code, has initiated rezoning of portions of the subject property not controlled by the applicant. (Brandenburg, Staedler & Moore, Owner; Legacy Partners Commercial, Developer). CEQA: Resolution to be adopted.
PDC 00-12-128 - District 3

Dropped.

11.7 Public Hearing on planned development rezoning at Capitol Expressway and Carpentier Way.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northeast corner of Capitol Expressway and Carpentier Way, from R-M(CL) Zoning District to A(PD) Planned Development Zoning District, to allow 3 single-family attached residential units on 0.3 gross acre. (Sunrise Realty, Owner; Louis Engineering Corporation, Developer). CEQA: Exempt. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).
PDC 00-10-102 - District 7

Ordinance No. 26458 passed for publication.

11 PUBLIC HEARINGS

11.8 Public Hearing on planned development rezoning at Monterey Road and Stauffer Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the northwest corner of Monterey Road and Stauffer Boulevard, from HI Heavy Industrial Zoning District to A(PD) Planned Development Zoning District, to allow commercial and health club uses on 6.8 gross acres. (Green Valley Corporation, Owner; 1887 Monterey Road Partners, Developer). CEQA: Resolution No. 65459. Director of Planning, Building, and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 00-10-108 - District 7

Continued to 08/21/01.

11.9 Public Hearing on planned development rezoning on Ruby Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT PREZONING of the property located at the east side of Ruby Avenue, approximately 50 feet northerly of Murillo Avenue, from County to A(PD) Planned Development Zoning District, to allow up to 22,570 square feet for a new church sanctuary and associated classrooms on 2.61 gross acres. (Young Nak Presbyterian Church c/o K.B. Chung, Owner/Developer). CEQA: Negative Declaration.

PDC 00-04-024 - District 8

Continued to 09/04/01.

11.10 Public Hearing on planned development rezoning at Meridian Avenue and Branham Lane.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Meridian Avenue and Branham Lane, from CP-Commercial Zoning District to A(PD) Planned Development Zoning District, to allow the addition of a carwash facility at an existing gas station site on 0.53 gross acre. (Mehdi Medhipour/Chevron, Owner/Developer). CEQA: Negative Declaration.

PDC 00-08-069 - District 9

Continued to 09/04/01.

11.11 Public Hearing on planned development rezoning on Woodard Road.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the west side of Woodard Road, 150 feet southerly of Starview Drive (15710 Woodard Road), from County to R-1-8 Residence Zoning District, to allow residential uses on 0.76 gross acre. (Glen Geisinger, Owner/Developer). CEQA: Exempt.

C 01-03-034 - District 9

Continued to 08/21/01.

11 PUBLIC HEARINGS

11.12 Public Hearing on planned development rezoning at 2585 Seaboard Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of Seaboard and Channing Avenues (2585 Seaboard Avenue), from A(PD) Planned Development Zoning District to A(PD) Planned Development Zoning District, to allow additional commercial uses and an expansion of the existing motel use on 2.67 gross acres. (C. Gemma Hwang, Owner/Developer). CEQA: Resolution No. 60197. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-2).
PDC 00-08-074 - District 4

Ordinance No. 26459 passed for publication.

11.13 Public Hearing on City Council-initiated rezoning of certain properties within or adjacent to the Lincoln Neighborhood Business District.

Recommendation: PUBLIC HEARING ON CITY COUNCIL-INITIATED REZONING of certain properties located within or adjacent to the Lincoln Avenue Neighborhood Business District, as shown on the San José 2020 General Plan Land Use/Transportation Diagram, which is generally bounded by Coe Avenue to the north and Minnesota Avenue to the south, and currently zoned CN Commercial Neighborhood, from CN Commercial Neighborhood Zoning District to CP Commercial Pedestrian Zoning District, to further implement the City's pedestrian commercial and Neighborhood Business District goals and policies. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-2).
CC 01-07-070 - District 6

Ordinance No. 26460 passed for publication.

11.14 Public Hearing on City Council-initiated rezoning of certain properties within or adjacent to the Willow Street Neighborhood Business District.

Recommendation: PUBLIC HEARING ON CITY COUNCIL-INITIATED REZONING of certain properties located within and adjacent to the Willow Street Neighborhood Business District, as shown on the San José 2020 General Plan Land Use/Transportation Diagram, which is generally bounded by Prospect Street to the east and Highway 87 (Guadalupe Parkway) to the west, and currently zoned CN Commercial Neighborhood, from CN Commercial Neighborhood Zoning District to CP Commercial Pedestrian Zoning District, to further implement the City's pedestrian commercial and Neighborhood Business District goals and policies. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommends approval (5-0-2).
CC 01-07-071 - District 3

Ordinance No. 26461 passed for publication.

11 PUBLIC HEARINGS

11.15 Public Hearing on City Council-initiated rezoning of certain properties within the West San Carlos-Stevens Creek Neighborhood Business District.

Recommendation: PUBLIC HEARING ON CITY COUNCIL-INITIATED REZONING of certain properties located within the West San Carlos-Stevens Creek Neighborhood Business District, as shown on the San José 2020 General Plan Land Use/Transportation Diagram, which is generally bounded by Lincoln Avenue to the east and Interstate 880 to the west, and within the City limits and currently zoned LI Light Industrial, CG Commercial General, CN Commercial Neighborhood, or CO Commercial Office from the current zoning to CP Commercial Pedestrian Zoning District, to further implement the City's pedestrian commercial and Neighborhood Business District goals and policies. CEQA: Reuse of the San José 2020 General Plan EIR.

CC 01-07-072, -073, -074, -075, -076, -077, -078 - District 6

Dropped.

11.16 Public Hearing on conforming rezoning at Lincoln and Auzerais Avenues.

Recommendation: PUBLIC HEARING ON CONFORMING REZONING of the property located at the southeast corner of Lincoln and Auzerais Avenues, from HI Heavy Industrial Zoning District to IP Industrial Park Zoning District, to allow office uses on 2.02 gross acres. (Gina Bortoli Test Trust, Owner; Wellington Corporation, Developer). CEQA: Negative Declaration. Director of Planning, Building, and Code Enforcement recommends approval. No Planning Commission action required.

C 01-02-026 - District 6

Continued to 09/04/01.

11.17 Public Hearing on conforming rezoning at Monterey Road and Fehren Drive.

Recommendation: PUBLIC HEARING ON CONFORMING PREZONING of the property located at the east side of Monterey Road, southerly of Fehren Drive, from County to CG General Commercial Zoning District, to allow commercial uses on 3.36 gross acres. (Kow-Loon Auto Sale, Inc., Owner & Developer). CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required.

C 00-10-110 - District 7

Ordinance No. 26462 passed for publication.

• Open Forum

- (1) Alfredo D. Garza spoke on Plata Arroyo Anne Darling School and the work of SNIs.
- (2) Gregory Nichols spoke on the issue of illegally parked Police cars.
- (3) Jonathan Keim spoke in opposition to the action proposed in Item 11.1.

- **Adjournment**

The Council of the City of San José adjourned at 8:10 p.m.